

## Notice of Allowability

Application No.

10/533,731

Examiner

Helene Klemanski

Applicant(s)

OKI ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amdt filed July 11, 2007, interview on August 16, 2007 & Dec filed August 21, 2007.
2. ☒ The allowed claim(s) is/are 1-8 and 10-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20070816.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
HELENE KLEMANSKI  
PRIMARY EXAMINER  
GROUP 1700

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimers filed on July 11, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No's. 11/042,832 and 11/311,869 have been reviewed and are accepted. The terminal disclaimers have been recorded.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Clifford J. Mass on August 16, 2007.

The application has been amended as follows:

In claim 1, line 2, the phrase "and/or salt thereof" has been deleted.

In claim 7, line 2, the phrase "and/or salt thereof" has been deleted.

In claim 8, line 5, the phrase ", and salts thereof" has been deleted.

Claim 9 has been canceled.

In claim 10, lines 2 and 3, the phrase "and/or salt thereof" has been deleted.

In claim 11, line 3, the phrase "and/or salt thereof" has been deleted.

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In claim 19, line 1, the phrase "ink composition" has been replaced with the phrase "recording method".

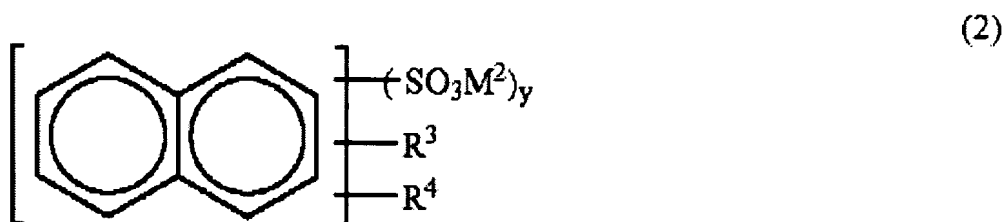
Also in claim 19, lines 1 and 2, the phrase "ink jet recording method is a recording method using" has been replaced with the phrase "droplets of the ink composition are ejected from".

### Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance: This application teaches an ink composition comprising water, a metal phthalocyanine cyan dye and an aromatic compound having a sulfo group represented by the following formula (1) and/or (2)



wherein  $\text{M}^1$  represents a lithium counter ion forming a salt;  $X$  represents an integer from 1 to 3;  $\text{R}^1$  and  $\text{R}^2$  each represents H,  $\text{C}_{1-6}$  alkyl group or  $\text{C}_{1-6}$  alkoxy group and  $\text{R}^1$  and  $\text{R}^2$  may be the same or different;



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wherein  $M^2$  represents a lithium counter ion forming a salt; Y represents an integer from 1 to 4;  $R^3$  and  $R^4$  each represents H,  $C_{1-6}$  alkyl group or  $C_{1-6}$  alkoxy group and  $R^3$  and  $R^4$  may be the same or different. The closest prior art of record is EP 1088864, which teaches a cyan ink jet ink composition comprising 0.2-15% by weight of an anionic dye such as Direct Blue 199, 0.2-10% by weight of an anionic substance such as disodium 1,5-naphthalene disulfonate, 0.01-10% by weight of a nonionic surfactant such as an acetylene glycol, an organic solvent such as a glycol ether, propylene glycol or 1,2,6-hexanetriol and water but fails to teach or fairly suggest a lithium salt of the naphthalene disulfonate as claimed by applicants. The only possible rejection remaining would be a 103 rejection over the above reference however, applicants have provided a Declaration showing unexpected results. Applicants have shown that the use of a lithium salt of the aromatic compounds of the formula (1) and (2) dramatically increases the ink compositions ozone resistance and maintains good clogging resistance in comparison to the use of the sodium salts of the prior art. Accordingly, these properties could not have been expected from the above reference and the application is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

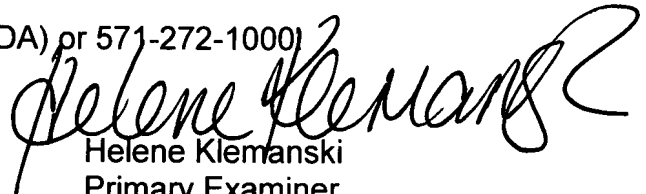
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Helene Klemanski  
Primary Examiner  
Art Unit 1755

  
HK  
August 23, 2007